

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 9

City of Detroit, Michigan

Case No: 13-53846

Debtor,

Judge Thomas J. Tucker

**ORDER REQUIRING CERTAIN ENTITIES TO
PARTICIPATE IN ADMINISTRATIVE PROCEEDINGS
AT MICHIGAN EMPLOYMENT RELATIONS COMMISSION**

The Detroit Water and Sewerage Department - Retail ("DWSD-R"), pursuant to court order, reduced the number of its employee classifications to ensure flexibility and long term compliance with the Clean Water Act and the City of Detroit's National Pollutant Discharge Elimination System Permit.

This effort resulted in the reduction of employee classifications at the DWSD from 257 to 57. Following the reduction of classifications, the DWSD reclassified employees as Plant Technicians, formerly classified as: (1) Sewage Plant Attendant; (2) Process Control Center Operator; (3) Senior Sewage Plant Operator; (4) Wastewater Treatment Plant Technician; and (5) Sewage Plant Operator. These employees were formerly in the bargaining unit represented by American Federation of State, County and Municipal Employees ("AFSCME"). These employees were placed in the bargaining unit represented by the International Union of Operating Engineers ("IUOE"). Also, employees formerly classified as Assistant Head Sewage Operators were reclassified as Plant Technicians and those employees moved from a unit represented by the United Automobile Workers, Local 2200 ("UAW") to the IUOE Unit. This reassignment is not being contested by the UAW.

Two other groups of employees were also reclassified as Plant Technicians and reassigned to the IUOE Unit: (1) Water Systems Chemists, formerly represented by the

Sanitary Chemists and Technicians Association (“SCATA”); and (2) Senior Water Chemists, formerly represented by the Senior Water Systems Chemist Association (“SWSCA”).

Finally, the position of Boiler Operator was reclassified and placed in the Plant Technician classification, but with no effect on the union assignment, which is to IUOE.

The Honorable Thomas Tucker entered an order on October 13, 2015, establishing the authority of United States District Judge Victoria Roberts to engage in facilitative mediation in order to resolve this bargaining unit issue and other labor related issues. The Court has attempted to mediate a resolution to this unit placement issue, to no avail. Because the resolution of the bargaining unit placement and other related issues are of high priority as the Great Lakes Water Authority looks to become operational on January 1, 2016, and work in conjunction with DWSD-R, the Court ORDERS the following:

1. AFSCME must file a Petition for Unit Clarification with the Michigan Employment Relations Commission (“MERC” or “Commission”) on or before December 17, 2015, regarding the appropriate placement of the Plant Technician classification.
2. The six (6) entities listed here are to participate in proceedings before MERC in an expedited fashion to determine the appropriate unit placement of the Plant Technician classification:
 - a. AFSCME
 - b. IUOE
 - c. DWSD
 - d. The City of Detroit
 - e. SWSCA
 - f. SCATA
3. The MERC proceedings must conclude and a Commission decision issue no later than March 4, 2016.

4. The listed parties must adhere to all orders issued by MERC or its Administrative Law Judges.

This Order is entered as one necessary for the facilitation of mediation proceedings on this and related collective bargaining and labor matters. All entities named above must fully comply with the schedule and orders of the Commission and the assigned Administrative Law Judge to ensure that a decision issues within the time constraints set.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 12/8/15